



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,121	11/20/2000	Masaru Igawa	ASA-734-02	6366

24956 7590 07/19/2004

MATTINGLY, STANGER & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,121

Applicant(s)

IGAWA ET AL.

Examiner

Ngoc K. Vu

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2 and 5</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 13, the limitation "transmitting to a terminal having sent the video data identifier the stored video data corresponding to the sent video data identifier" is not clear. For the purpose of examination, that limitation is interpreted as "transmitting to a terminal, which having sent the video data identifier, the stored video data corresponding to the sent video data identifier". Appropriated correction is required.

Regarding claim 13, it is not clear whether the term "the terminal" in line 22 referred to the term "said terminal". Appropriated correction is required.

Claim 13 is indefinite because there are no antecedent basis for the limitations "the stored video data" in line 5, "the sent video data identifier" in line 6, "the received video data" in line 9, "the terminal identification information" in lines 20-21. Appropriate corrections are required.

Claim 23 is indefinite because there are no antecedent basis for the limitations "the video data storage device" in lines 4-5, "the stored video data" in lines 7-8, "the video data storage device identification information" in lines 13-14. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13-14 and 16-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Adams (US 6,378,130 B1).

Regarding claim 13, Adams discloses a video data distributing system (1 - see figure 1) comprising:

a plurality of media servers (see figures 1 & 4) storing media asset linked with a media asset identifier identifying the media asset and transmitting to a terminal 6 (see figures 1 & 4), which having sent the media asset identifier (the terminal 6 requests a particular media asset, wherein the particular media asset associates with its media asset identifier), the stored media asset corresponding to the sent media asset identifier (transmitting the particular media asset corresponding to the request - see col. 7, lines 54-59; col. 8, lines 24-32; col. 10, lines 40-50 and figures 1 & 4);

said terminal (6) sending a media asset request to one of the media servers (it is noted that a particular media asset associates with a media asset identifier – see col. 9, line 59 to col. 10, line 4) and displaying the received media asset according to transmission information, e.g., communication message between the headend and the terminal (see col. 11, lines 16-20); and

a controller (14 – see figures 1 & 4) including a storing means and control means,

wherein the storing means stores the media asset identifier identifying the media asset linked with identification information identifying one of the media servers storing the media asset, and stores identification information identifying the terminal linked with the transmission information for sending the media asset to the terminal, and

the control means receives the terminal identification information and the media asset identifier from the terminal and sends to the terminal the transmission information corresponding to the received terminal identification information and the media server identification information corresponding to the received media asset identifier. (Particularly, controller 14 may oversee the distribution of programs and services by servers 15 and 16 by processing requests for programs and services from the terminals 6, instructing the servers when, how and where to deliver a requested program or service to a particular terminal. For instance, when a subscriber terminal 6 requests a media asset, such as a video program, or web page to the headend. The controller receives the terminal identification information, via IP datagrams, from the terminal. The controller first identifies whether the requested media asset is available at its server. Then, the controller allocates a media asset identifier, or an MPEG program number to the requested media asset. The controller instructs server to play the identified media asset as an MPEG program stream tagged with MPEG program #X. The media asset is then transmitted to the requested subscriber terminal. Thus, the controller stores a media asset identifier identifying media asset linked with identification information identifying the media server storing the media asset, and the identification information identifying a terminal linked with transmission information, e.g., communication message between the headend and the terminal - see col. 10, lines 15-27 and 57-59; col. 9-10, lines 66-4; col. 11, lines 1-6; col. 3, lines 12-18).

Regarding claim 14, Adams discloses that the media asset may be web page (see abstract; col. 6, lines 22-25; col. 9-10, lines 66-11). It is noted that a media asset is allocated by

a media asset identifier, therefore the media asset identifier for media asset such as web page is inherently a URL.

Regarding claim **16**, Adams discloses that the media asset identifier is an MPEG program number, #X (see col. 10, lines 40-41).

Regarding claims **17-18**, Adams discloses the controller may exchange control messages, e.g., Internet protocol datagrams, with the terminal (see col. 9, lines 27-30; col. 10, lines 1-4; col. 3, lines 14-18; see col. 5, lines 39-40).

Regarding claims **19-20**, Adams discloses the controller provides a media asset such as MPEG video/audio program (see col. 8, lines 24-31).

Regarding claim **21**, Adams discloses the terminal sends a media asset request as an Internet protocol datagram over a reverse data channel back to the headend (see col. 10, lines 1-4). The terminal is connected to the headend via IP, thus it should be understood that the terminal identification information includes a host name and a domain name.

Regarding claim **22**, Adams discloses the terminal sends a media asset request as an Internet protocol datagram over a reverse data channel back to the headend (see col. 10, lines 1-4). Thus, the terminal identification information is an IP address.

Regarding claim **23**, Adams discloses a video distribution method comprising the steps of:

- storing a media asset identifier identifying media asset with identification information identifying media server storing the media asset;

- storing identification information identifying a terminal linked with transmission information, e.g., communication message between the headend and terminal, for sending the media asset to the terminal;

receiving the terminal identification information and the media asset identifier; and outputting the transmission information corresponding to the received terminal identification information and the media server identification information corresponding to the received media asset identifier. (Particularly, a controller 14 may oversee the distribution of programs and services by servers 15 and 16 by processing requests for programs and services from the terminals 6, instructing the servers when, how and where to deliver a requested program or service to a particular terminal. For instance, when a subscriber terminal 6 requests a media asset, such as a video program, or web page to the headend. The controller receives the terminal identification information, via IP datagrams, from the terminal. The controller first identifies whether the requested media asset is available at its server. Then, the controller allocates a media asset identifier, or an MPEG program number to the requested media asset. The controller instructs server to play the identified media asset as an MPEG program stream tagged with MPEG program #X. The media asset is then transmitted to the requested subscriber terminal. Thus, the controller stores a media asset identifier identifying media asset linked with identification information identifying the media server storing the media asset, and the identification information identifying a terminal linked with transmission information - see col. 10, lines 15-27 and 57-59; col. 9-10, lines 66-4; col. 11, lines 1-6; col. 3, lines 12-18).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2611

6. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (US 6,378,130 B1).

Regarding claim 15, Adams discloses that the media asset may be video program, wherein a media asset is allocated by a media asset identifier (see col. 9-10, lines 66-11; col. 10, lines 40-41). Adams does not explicitly disclose the media asset identifier is unique video name. Official Notice is taken that video program is identified by a video program title is well known in the known. It would have been obvious to one of ordinary skill in the art to modify the system of Adams by identifying a media asset by a video program title to allow the headend easily providing a particular video to the terminal.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Howe et al. (US 6,502,242 B1) disclose a system and method for providing television services.

Kunkel et al. (US 6,477,579 B1) discloses a system and method for accessing Internet-based and other information through a user television in a television distribution network.

Mourad et al. (US 6,078,961 A) discloses a method for real-time delivery of multimedia information requiring a very high bandwidth path over the Internet.

Dillon et al. (US 5,852,721 A) discloses a method and apparatus for selectively retrieving information from a source computer using a terrestrial or satellite interface.

Kambayashi (US 6,157,809 A) discloses a broadcasting system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Examiner
Art Unit 2611

July 8, 2004